

REGULAR CITY COUNCIL MEETING
MAY 9, 1994

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member

ABSENT

Rex Harris	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Bill Nelson	City Resident
Anita Hahn	City Resident
Ron Westlund	Millard County Resident

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, KNAK Radio Station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held at 6:30 p.m. on March 28, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held at 6:45 p.m. on March 28, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member

Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held March 29, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Robert Dekker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held April 11, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Robert Droubay MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$154,944.53. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

BILL NELSON: REIMBURSE COSTS FOR MOVING HEADGATE

Mayor Dafoe welcomed Bill Nelson to the City Council Meeting but first asked Public Works Director Neil Forster to explain the circumstances for relocating a headgate on Bill Nelson's property.

Neil Forster explained that in order to realign 350 East Street north to the Cemetery Road, a headgate located on the north side of Bill Nelson's property needed to be relocated. Initially, Mr. Forster thought that the relocation cost could be divided among Delta City, Bill Nelson and the Irrigation Company. The Irrigation Company furnished the headgate but would not participate in any other costs involved. Therefore, Mr. Forster proposed that the cost be split between Delta City and Bill Nelson.

Bill Nelson then addressed the City Council and said that the cost of relocating the headgate was \$1,300. He explained that the relocation was requested by Delta City and there was no benefit to him in moving it. He said that he has paid the bill but would like to be reimbursed the total amount of \$1,300.

Discussion was held and Mayor Dafoe requested that Mr. Nelson deed approximately 50' x 90' of property to Delta City in order to extend 350 East Street north to the Cemetery Road. Mr. Nelson then requested that the City give him a water connection in exchange for a deed to the property.

Mayor Dafoe explained that Delta City has already furnished 40 feet of 21" pipe, which cost \$600, plus the labor to install the pipe. Therefore, Mayor Dafoe did not feel that the City should furnish Mr. Nelson a water connection.

Following discussion, Council Member Robert Droubay MOVED that Delta City reimburse Bill Nelson for the cost of cement work to Jones Ditch Lining in the amount of \$1,300 in exchange for Mr. Nelson deeding approximately 50' x 90' of property. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Following further discussion, Council Member Gayle Bunker MOVED that Attorney Richard Waddingham prepare a deed regarding the property being deeded by Mr. Nelson. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously,

COUNCIL MEMBER ROBERT DEKKER: SIDEWALK AT KIRTT MYERS PROPERTY

Mayor Dafoe asked Council Member Robert Dekker to address the City Council regarding the sidewalk at Kirtt Myers' residence.

Councilman Robert Dekker explained that at the time the curb, gutter and sidewalk were installed on Main Street in front of Kirtt Myers' residence and north around the corner to Harts, it left a substantial drop-off down into Mr. Myers' sidewalk. Mr. Myers has asked if the City would install a step down from the Main Street sidewalk to the sidewalk that leads to his home.

Mayor Dafoe said that in the near future, curb and gutter is to be installed east along Main Street in front of Mitch Myers' property and at that time some steps can be poured for Kirtt Myers.

Following discussion, Council Member Robert Dekker MOVED to pour concrete steps to Kirtt Myers' property at the time the curb project is being done in front of Mitch Myers' property. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe

asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: PAY REQUEST FOR K & P PLUMBING/LIFT STATION "B" REHAB PROJECT

Mayor Dafoe asked Public Works Director Neil Forster to present a Pay Request for K & P Plumbing for work completed on Sewer Lift Station B.

Public Works Director Neil Forster said that a pay request for K & P Plumbing and Heating, Inc. was submitted in the amount of \$45,965.39 for work completed on the Delta City Sewer Pump Station from 2-1-94 to 3-31-94.

Mr. Forster explained that due to the cancellation of the last Regular City Council Meeting the Pay Request was paid, and he requested ratification of that payment in the amount of \$45,965.39.

Council Member Gayle Bunker MOVED to ratify payment to K & P Plumbing & Heating Inc. in the amount of \$45,965.39 for work completed on the Delta City Sewer Pump Station. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: PAY REQUEST FOR SUNRISE ENGINEERING/LIFT STATION "B" REHAB PROJECT

Mayor Dafoe asked Public Works Director Neil Forster to present a Pay Request for Sunrise Engineering for work completed on Sewer Lift Station B.

Public Works Director Neil Forster said that a pay request for Sunrise Engineering Inc. was submitted in the amount of \$3,205.10 for work completed on the Delta City Sewer Pump Station from 2-1-94 to 3-31-94.

Mr. Forster explained that due to the cancellation of the last Regular City Council Meeting the Pay Request was paid, and he requested ratification of that payment in the amount of \$3,205.10.

Council Member Robert Droubay MOVED to ratify payment to Sunrise Engineering Inc. in the amount of \$3,205.10 for work completed on the Delta City Sewer Pump Station. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: SET PUBLIC HEARING DATE TO CONSIDER A ZONE CHANGE
REQUEST FROM R4 TO CB ON PROPERTY LOCATED AT 30 WEST 50 NORTH

Mayor Dafoe asked Council Member Gayle Bunker to address the City Council regarding the scheduling of a Public Hearing for a proposed zone change.

Council Member Gayle Bunker presented the following recommendation from the Planning Commission:

TO: Mayor Dafoe and City Council Members
FROM: Planning & Zoning Commission
DATE: April 14, 1994
RE: Zone Change Request

In a regular Planning Commission Meeting held April 13, 1994, Don Smith and John Corbett, D & J Auto, requested that a zone change from R4 to Central Business (CB) be approved on their property located at 30 West 50 North. The property is described as follows:

Lot 1: Beginning at a point on the SW corner of Lot 8, Blk 60, Delta Townsite, Plat A, As Amended, thence N 127.5 feet, thence E 97.5 feet, thence S 127.5 feet, thence W 97.5 feet to point of beginning.

Lot 2: Beginning at a point on the SE corner of Lot 7, Blk 60, Delta Townsite, Plat A, As Amended, thence W 100 feet, thence N 100 feet, thence E 100 feet, thence S 100 feet to point of beginning.

Mr. Corbett & Mr. Smith would like to expand their auto body shop and add a paint booth; however, in a R4 zone their business is an existing nonconforming use, and they are not allowed to expand a nonconforming use in that zone.

The Planning Commission has discussed this zone change request in detail and has considered Zoning Officer Neil Forster's recommendation for approval. Therefore, the Planning Commission recommends that the zone change on the above mentioned properties be approved.

Following brief discussion, Council Member Robert Dekker MOVED to schedule a Public Hearing for Monday, June 13, 1994, at 6:45 p.m. for the purpose of receiving public comment regarding a proposed zone change from R4 to CB on property located at 30 West 50 North. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: AIRPORT HANGAR CONTRACT FOR MARLIN YATES

Mayor Don Dafoe asked Attorney Richard Waddingham to present a Ground Lease for Hangar Space at the Delta Municipal Airport between Delta City and Marlin Yates and between Delta City and Ron Westlund.

Attorney Richard Waddingham reviewed the proposed Ground Lease Agreements in detail with the City Council. Mr. Waddingham expressed concern as to whether the lessee should remove the building after the lease expires as proposed by Mr. Westlund. Mr. Waddingham stated that Delta City should comply with the precedent set in the early 1980's, requiring that the building automatically revert to Delta City after ten (10) years or at the end of the lease term. He also recommended that profit and non-profit organizations be charged the same rates. However, the City Council was not concerned with Mr. Westlund's proposal and agreed to allow him, at his option, to remove the improvements (building) at the end of the lease term.

Following further discussion, Council Member Gayle Bunker MOVED to authorize Mayor Dafoe to sign the formalized lease agreements between Ron Westlund and Delta City and Marlin Yates and Delta City for hangar space at the Delta City Municipal Airport. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: ADOPTION OF TENTATIVE BUDGET FOR FISCAL YEAR 1994-1995

Mayor Dafoe and the City Council Members reviewed the Tentative Budget for Fiscal Year 1994-1995 in the amount of \$920,709.

Following review, Council Member Gayle Bunker MOVED to adopt Delta City's Tentative Budget for Fiscal Year 1994-1995 as prepared in the amount of \$920,709. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe then presented a proposal from Coopers & Lybrand to conduct the Audit for Fiscal Year 1993-1994 in the amount of \$25,000 plus out of pocket expenses.

Following brief discussion, Council Member Robert Droubay MOVED to authorize Mayor Dafoe to sign a Letter of Assignment with Coopers & Lybrand to conduct the Audit for Fiscal Year 1993-1994. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The City Council then scheduled a Public Hearing for the purpose of receiving public comment regarding the Tentative Budget for FY 1994-1995 for Monday, June 13, 1994, at 6:30 p.m.

A Budget Work Session was also scheduled for Thursday, June 2, 1994, at 5:00 p.m.

A Special City Council Meeting for the purpose of adopting the Annual Budget for FY 1994-1995 was also scheduled for Monday, June 20, 1994 at 7:00 p.m.

OTHER BUSINESS

Anita Hahn, City Resident, was in attendance and requested funding and support in painting a mural on the cinder block wall of the Holiday Laundry Laundromat.

Lengthy discussion was held after which the City Council concurred with Mrs. Hahn's project, and in preparation of the FY 1994-1995 Budget they will consider budgeting funds for the mural project.

Mayor Dafoe reviewed a letter he received from UDOT regarding Delta Main Street Improvements that stated that if the project is approved by UDOT, the earliest the Delta Main Street Project could be funded would be in 1997.


Council Member Robert Dekker reminded the Council of the parking problem on the east side of the White Sage Ball Park. Mr. Forster was instructed to install "No Parking" signs on the east side of the street and "Parallel Parking" signs on the west side of the street.

Council Member Gayle Bunker said that Millard County is having a problem acquiring 23 acres of land for the By-Pass Road. The land is high priced, but Millard County has offered \$20,000 for the land.


Brief discussion was held regarding possible relocation of the traffic light on 200 West to Center Street in order to accommodate the increased traffic that will come with the new Delta High School Activity Center.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The

motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:30 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: SCCM 7-26-94